

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

OCA
86-0387

STAT

TO	<input type="text"/>	Take necessary action	<input type="checkbox"/>
		Approval or signature	<input type="checkbox"/>
		Comment	<input type="checkbox"/>
		Prepare reply	<input type="checkbox"/>
		Discuss with me	<input type="checkbox"/>
		For your information	<input type="checkbox"/>
		See remarks below	<input type="checkbox"/>
FROM	Ron Peterson	DATE	2/10/86

REMARKS

For your review and comment ASAP.

OMB FORM 4
Rev Aug 70



United States Department of State

Washington, D.C. 20520

FEB 6 1986

Dear Mr. Miller:

I am writing in response to your Legislative Referral Memorandum of January 27, 1986, in which you requested comments on the CIA's proposed bill entitled the "Intelligence Authorization Act for Fiscal Year 1987." Our comments address Titles VIII and IX of the bill.

We strongly support the goals of Title VIII, "Restrictions on Assistance to Foreign Powers by Former Intelligence Officers and Employees", as set forth in the section-by-section analysis. At the same time we believe that the draft legislation has several serious problems and requires further work, and that it should be withdrawn from the bill at this time. As an initial matter, we believe it inappropriate to include a substantive proposal of this type, affecting a wide spectrum of government employees, in an intelligence authorization bill. Further, the definition of "foreign power" and the characterization of the types of relationships with such entities that are covered are rather broad and vague, and require additional consideration. As it applies to the State Department, the proposal raises additional definitional problems. The Department as a whole is not a part of the "intelligence community". Executive Order 12333 refers only to the Bureau of Intelligence and Research (INR) in this context. We question the factual basis for including any other portions of the Department in the coverage of this bill, as Department officers outside of INR handle intelligence information as an incidental part of their duties. In addition, official characterization of the entire Department of State as part of the intelligence community and of the entire Foreign Service as intelligence officers has undesirable foreign policy and diplomatic implications that should be readily apparent. Our staff stands ready to work with representatives of the CIA and other interested agencies to address these problems with a view toward introducing appropriate legislation as soon as possible.

Regarding Title IX, "Unauthorized Disclosure of Classified Information", while we of course are extremely sensitive to the need to ensure effective deterrence and punishment of leakers,

The Honorable
James C. Miller, III,
Director,
Office of Management and Budget.

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we believe that this particular proposal suffers from a number of problems. As with Title VIII, we question whether an intelligence authorization bill is an appropriate vehicle for a proposal of such a far-reaching nature. Regarding the substance of the bill itself, the problems raised in last year's interagency consideration of this proposal, most completely stated in the Justice Department's comments, have not been taken into account in any manner in this year's re-submission of the proposal. We continue to believe that a legislative initiative on this matter should be the subject of close interagency consultation prior to approaching the Congress. Our staff is ready to meet with representatives of other agencies to discuss this as quickly as possible.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read 'William L. Ball, III', is written over the typed name.

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs